

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
October 1, 2002

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:02 p.m., Tuesday, October 1, 2002, in the Board Room, York Hall, by Chairman Donald E. Wiggins.

Attendance. The following members of the Board of Supervisors were present: Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Mr. Zaremba arrived at 7:07 p.m.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Arrion Dennis, York County Youth Commission, gave the invocation

Pledge of Allegiance to the Flag of the United States of America. Mr. Burgett led the Pledge of Allegiance.

PRESENTATIONS

EMPLOYEE RECOGNITION PROGRAM

Chairman Wiggins and Mr. McReynolds presented Ms. Cheryl Sonderman, Department of Community Services with her Employee Pin and Certificate recognizing her 25 years of employment with York County.

YORK COUNTY YOUTH COMMISSION

Mr. James W. Noel, III, Chairman of the 2002-2003 York County Youth Commission, gave the Commission's first quarterly report. He reviewed the Commission's two-day orientation, stating on September 4 the Commission elected its officers and formed its standing committees. He stated the highest priority of the Commission this year is to complete the student survey project begun last year, and he indicated the Commission hopes to have the results tabulated and a full report with recommendations to the Board of Supervisors by March 4, 2003. Other activities the Commission will be involved with this coming year include Youth Week, 2002, in December; Teen Programming at the new YMCA for the next Neighborhoods Conference; sponsorship of several social events; continue the Adopt-A-Highway project; distribution of American flags on Yorktown Day; and a project encouraging 18 year olds to register to vote. Mr. Noel stated he and the other Commissioners looked forward to the upcoming year, and he thanked the Board for what has been done for the Youth Commission.

At this time Chairman Wiggins asked the members of the 2002-2003 Youth Commission to stand and be recognized.

YORK COUNTY WETLANDS BOARD

Mr. Adam Frisch, Chairman of the York County Wetlands Board, made a presentation on the year's activities of the Wetlands Board. He stated the Wetlands Board had 63 permit applications, and 16 permits were issued and 24 closed. Six property owners were cited for wetlands violations. Mr. Frisch stated the Wetlands Board's biggest accomplishment was the development of the Wetlands Video produced by the Wetlands Board with the support of the Board of Supervisors. He noted that member David Rolston was able to raise \$20,000 from outside sources and worked with the County staff on an RFP to bring the project to fruition in order to educate the County's citizens on wetlands regulations. He stated the video has been well received throughout the state. He then introduced the staff of the Wetlands Board, Mrs. Anna Drake, Department of Environmental and Development Services.

Chairman Wiggins thanked the Wetlands Board and Mrs. Drake for their efforts. He stated the Wetlands Board members work very hard, and the Board of Supervisors appreciates their efforts.

CITIZENS COMMENT PERIOD

Mr. Jim Pouchot, 103 Kimberly Court, indicated the Governor's Office has announced that it is suspending any further funding for the Aviation World's Fair because of evidence that the promoter will not be able to proceed with the project. He noted that the Board had budgeted funding for this project, and he stated he was bringing it to the Board's attention in order that the County might not make the scheduled funding or make arrangements to get the funding refunded if it had already been made.

Mr. Bill Wells, 109 Kings Grant Drive, stated the Board has a tremendous responsibility concerning the revitalization of Yorktown and the disposition of Nick's Seafood Pavilion. He stated he felt the restaurant should remain in Yorktown, that it is a very important landmark for the County citizens. He stated he could not imagine any restaurateur who would want to take the business over without the name, the location, and the menu. Mr. Wells asked that the Board remember what Mrs. Mathews gave to the County.

Mr. Marvin F. Burgess, 130 Mill Lane, spoke of the years of knowing people who went to Nick's Seafood Pavilion when they came to visit the Coast Guard Reserve Training Center. He asked the Board not to abolish the jobs and tax income, but to nourish the free enterprise system. He stated the restaurant has a great name and is a tourist attraction. Mr. Burgess voiced his disbelief over the projected cost to renovate the restaurant, and he cited his objection to the restaurant site becoming a parking lot. He suggested that the Board put the renovations out to bid and sell the restaurant because it should not be a government-run enterprise.

Mr. Chad Green, 424 Spivey Lane, spoke of the proposals he has read about in the newspapers concerning Nick's Seafood Pavilion and stated he did not feel they made a lot of sense. He stated he did not see where the restaurant needed \$1 million worth of repairs. He stated the building is sound and should be preserved. Mr. Green stated the restaurant had the potential to generate between \$1.3 million and \$1.8 million gross income per year, which is a tremendous revenue generator for the County. He stated the restaurant needs to stay in the same place with a new, competent manager.

Mr. Chuck Murray, 118 Chischiak Watch, stated the people have spoken through their petitions, emails, letters, faxes, and public statements that they want Nick's to stay. He stated that except for the Supervisors, he has not heard an equal public outcry to tear Nick's down. He indicated if Nick's has to go, he would ask the Board to spend a small amount of money to memorialize Nick and Mary Mathews. Mr. Murray stated he would support the revitalization plan of one restaurant and that it be on the waterfront with a parking deck where the current Nick's is today. He asked the Board to wait on the second restaurant until the success of the first one can be gauged.

Mr. Rogers Hamilton, 114 Church Street, stated the Mathews' house disappeared before anyone could snap their fingers, and now the County wants to tear down the restaurant. He stated a government that Mrs. Mathews so desperately believed in was doing her in. Mr. Hamilton stated he was ashamed of what was being considered.

Mr. Nicholas Whitby, 2337 Farrand Drive, Richmond, encouraged the Board of Supervisors to proceed with the first option in keeping Nick's in its current location and go ahead with the other compatible parts of the revitalization plan. He stated after the Board has completed most of the compatible parts, he would urge the County to ask the people to give the Board a vote of confidence and put the proposals on a future public ballot. Having been careful to consider the will of the people, the Board can then finish the other elements of the plan. Mr. Whitby stated he felt this famous landmark should remain where it is now.

Ms. Cheryl Hogge, 1635 Greate Road, Gloucester Point, asked the Board for more time to assess Nick's building in order to bring in local contractors for other bids that would be lower than those received by the County. She stated the building has great historic value, and she had met with a consulting engineer who specializes in flood plain protection who showed her several options and assured her that the building did not need to be raised. Ms. Hogge asked if the current restaurant is torn down, that any new one not be called "Nick's" which she felt would be disrespectful to the Mathews'. She also asked that the Board allow another restaurant entrepreneur to purchase the restaurant at a reasonable price.

Ms. Diana Steele, 7538 River Park Road, Gloucester Point, stated Mrs. Mathews considered her employees her children, and she spoke of the last time she saw her in the restaurant. She stated Yorktown was Mrs. Mathews' pride and joy, and she couldn't understand how the County could consider tearing town the restaurant that the Mathews' built. Ms. Steele stated that when Mrs. Mathews willed the property she felt she was leaving it to those who would take care of it the way she took care of Yorktown. She indicated she felt the Board should be continuing Mrs. Mathews' history.

Mr. H. C. Shackelford, III, P.O. Box 17, Achilles, spoke to formally object to the impending destruction of Nick's. He stated he knew Mrs. Mathews up until her death, and the plans of the County were not what she had envisioned.

Mr. Gary Freeman, 120 Ballard Street, stated he objected to the option of moving the restaurant on the bluffs because of the evidence of historical significance on the bluffs property. He suggested the Board go slow with the property and do a complete archaeological survey before anything is developed on the property.

Mr. Reggie Tucker, Moore House Road, stated he knew Mrs. Mathews well and he had nominated her for an American Eagle Award of the American Association of Realtors. He stated when she received her award, she was the only one out of five speakers to captivate 5,000

realtors. He stated she loved this town, and the Board members needed to start listening to the people who put them in office and save the restaurant where it is today.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett apprised the Board that he would be attending the Local Government Attorney's Conference on Thursday and Friday and would be out of the office. He then informed the Board members about a decision of the Federal Eastern District Court of Wisconsin which stated that the World Church of the Creator was considered a religion and was protected under Title 7.

Mr. Zaremba noted that the group cited by Mr. Barnett had a meeting in York County several months ago at the Tabb Library; and because of the planning on the part of many organizations, the possible disturbance that could have occurred became a non-issue.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board and other interested parties about the public information forum to be held on the Yorktown Revitalization Proposals at the Grafton High School Atrium from 4:00 to 7:00 p.m., Wednesday, October 2. He indicated another informational session would be held in the County Administration Offices at 224 Ballard Street on Thursday, October 3, from 4:00 to 7:00 p.m. He also reminded the Board of its scheduled work session for October 8 at which time the Board will be asked to give staff direction as to how to proceed on the Yorktown Revitalization project as well as begin discussion about the Legislative Program for 2003. Mr. McReynolds then announced that Newport News Water Works had received approval from the Army Corps of Engineers for the continuance of the permitting process for the King William Reservoir.

Meeting Recessed. At 7:54 p.m. Chairman Wiggins declared a short recess.

Meeting Reconvened. At 8:06 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS**SCHOOL BOND FINANCING**

Mr. McReynolds made a presentation on proposed Resolution R02-162 to authorize the issuance and sale of up to \$8.4 million General Obligation School Bonds of the County of York, Virginia, to be sold to the Virginia Public School Authority.

Chairman Wiggins called to order a public hearing on proposed Resolution R02-162 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP
TO \$8,400,000 GENERAL OBLIGATION SCHOOL BONDS OF THE
COUNTY OF YORK, VIRGINIA TO BE SOLD TO THE VIRGINIA
PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM
AND DETAILS THEREOF

There being no one present who wished to speak concerning the subject resolution, Chairman Wiggins closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R02-162 that reads:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$8,400,000 GENERAL OBLIGATION SCHOOL BONDS OF THE COUNTY OF YORK, VIRGINIA TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF

WHEREAS, the Board of Supervisors (the "Board") of the County of York, Virginia (the "County") has determined that it is necessary and expedient to borrow up to \$8,400,000 and to issue its general obligation school bonds to finance certain capital projects for school purposes.

WHEREAS, the County has held a public hearing, after due publication of notice, in accordance with Section 15.2-2606, Code of Virginia of 1950, as amended ("Virginia Code") on September 17, 2002, on the issuance of school bonds in an amount not to exceed \$8,400,000.

WHEREAS, the School Board of the County has requested by resolution the Board to authorize the issuance of the Bonds (as defined below) and has consented to the issuance of the Bonds.

WHEREAS, the objective of the Virginia Public School Authority (the "VPSA") is to pay the County a purchase price for the Bonds which, in VPSA's judgment, reflects the Bonds' market value (the "VPSA Purchase Price Objective"), taking into consideration such factors as the amortization schedule the County has requested for the Bonds, the amortization schedules requested by other localities, the purchase price to be received by VPSA for its bonds and other market conditions relating to the sale of VPSA's bonds.

WHEREAS, such factors may result in requiring the County to accept a discount, given the VPSA Purchase Price Objective and market conditions, under which circumstance the proceeds from the sale of the Bonds received by the County would be less than the amount set forth in paragraph 1 below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF YORK, VIRGINIA:

1. Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and to issue and sell general obligation school bonds of the County in the aggregate principal amount not to exceed \$8,400,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. Sale of the Bonds. It is determined to be in the best interest of the County to accept the offer of VPSA to purchase from the County, and to sell to the VPSA, the Bonds at a price determined by the VPSA and accepted by the Chairman of the Board or the County Administrator and upon the terms established pursuant to this Resolution. The County Administrator and the Chairman of the Board, or either of them, and such officer or officers of the County as either of them may designate, are hereby authorized and directed to enter into the Bond Sale Agreement with the VPSA providing for the sale of the Bonds to the VPSA in

substantially the form on file with the County Administrator, which form is hereby approved ("Bond Sale Agreement").

3. Details of the Bonds. The Bonds shall be issuable in fully registered form in denominations of \$5,000 and whole multiples thereof; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2002" (or such other designation as the County Administrator may approve) shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 (each an "Interest Payment Date"), beginning July 15, 2003, at the rates established in accordance with paragraph 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts established in accordance with paragraph 4 of this Resolution. The Interest Payment Dates and the Principal Payment Dates are subject to change at the request of VPSA.

4. Principal Installments and Interest Rates. The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be no more than ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed seven percent (7%) per annum. The County Administrator is further authorized and directed to accept the aggregate principal amount of the Bonds and the amounts of principal of the Bonds coming due on each Principal Payment Date ("Principal Installments") established by the VPSA, including any changes in the Interest Payment Dates, the Principal Payment Dates and the Principal Installments which may be requested by VPSA provided that such aggregate principal amount shall not exceed the maximum amount set forth in paragraph one and the final maturity of the Bonds shall not be later than 21 years from their date. The execution and delivery of the Bonds as described in paragraph 8 hereof shall conclusively evidence such Interest Payment Dates, Principal Payment Dates, interest rates, principal amount and Principal Installments as having been so accepted as authorized by this Resolution.

5. Form of the Bonds. The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Bonds:

- (a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal of, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption;
- (b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds; and
- (c) SunTrust Bank, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

7. Prepayment or Redemption. The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2012, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2012 are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2012 and the definitive Bonds for which the Bonds held by the VPSA may be expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2012 to July 14, 2013, inclusive	101%
July 15, 2013 to July 14, 2014, inclusive	100.5
July 15, 2014 and thereafter.....	100;

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption. The County Administrator is authorized to approve such other redemption provisions, including changes to the redemption dates set forth above, as may be requested by the VPSA.

8. Execution of the Bonds. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto. The manner of such execution may be by facsimile, provided that if both signatures are by facsimile, the Bonds shall not be valid until authenticated by the manual signature of the Paying Agent.

9. Pledge of Full Faith and Credit. For the prompt payment of the principal of, and the premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of, and the premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

10. Use of Proceeds Certificate; Non-Arbitrage Certificate. The Chairman of the Board and the County Administrator, or either of them and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Non-Arbitrage Certificate, if required by bond counsel, and a Use of Proceeds Certificate setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Use of Proceeds Certificate and the County shall comply with the covenants and representations contained therein and (ii) the

County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.

11. State Non-Arbitrage Program; Proceeds Agreement. The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The County Administrator and the Chairman of the Board, or either of them and such officer or officers of the County as either of them may designate, are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager, and the depository substantially in the form on file with the County Administrator, which form is hereby approved.

12. Continuing Disclosure Agreement. The Chairman of the Board and the County Administrator, or either of them, and such officer or officers of the County as either of them may designate are hereby authorized and directed (i) to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and (ii) to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

13. Filing of Resolution. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

14. Further Actions. The County Administrator, the Chairman of the Board, and such other officers, employees and agents of the County as either of them may designate are hereby authorized to take such action as the County Administrator or the Chairman of the Board may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. Effective Date. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of York, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on October 1, 2002, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. The front page of this Resolution accurately records (i) the members of the Board of Supervisors present at the meeting, (ii) the members who were absent from the meeting, and (iii) the vote of each member, including any abstentions.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

APPLICATION NO. ZM-68-02, NED'S MARINE & AUTO CENTER

Mr. J. Mark Carter, Planning and Zoning Manager, made a presentation on Application No. ZM-68-02 requesting reclassification from R-13-High-Density Residential to conditional GB-General Business approximately 2.16 acres of land located on the rear portion of property located at 2113 and 2115 George Washington Memorial Highway. He indicated the applicant had submitted an amended proffer dated today which was submitted prior to the public hearing and could be considered as part of the rezoning application. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of denial, and staff recommended approval of the application through the adoption of proposed Ordinance No. 02-19 which included the October 1 proffer statement.

Discussion followed concerning the long and narrow configuration of the property in question.

Mr. Zaremba asked Mr. Carter to summarize the reasons for the Planning Commission voting for denial of the application.

Mr. Carter stated the Commission was concerned about potential impact of any commercial use on the adjacent residential properties.

Mr. Zaremba noted that the current site plan was approved in 1989. In 2001 it came to the County's attention that the required buffers in the site plan had been removed without authorization, and boats and trailers were housed illegally. The owner was directed to remove the encroachment and restore the required buffer. Mr. Zaremba noted the owner then submitted the subject application for a zoning boundary adjustment. He asked the applicant to make sure he included in his address to the Board the reason why the Board should reward someone who has violated the County's ordinances by rezoning property so that the person is no longer in violation.

Chairman Wiggins then called to order a public hearing on Application No. ZM-68-02 which was duly advertised as required by law. Proposed Ordinance No. 02-19 is entitled:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP BY
RECLASSIFYING THE REAR PORTION OF THE PROPERTY LO-
CATED AT 2113 AND 2115 GEORGE WASHINGTON MEMORIAL
HIGHWAY FROM R13 TO GB SUBJECT TO CONDITIONS

Mr. Lewis Lipscomb, the applicant, indicated he did comply with the buffer requirements originally in 1988; but as years went by, the trees or plants died and they were replanted. He stated he had a billy goat who ate about everything planted. Mr. Lipscomb stated the goat was poisoned this year and is no longer there to eat the foliage. He stated only three homes will be affected by the proposed rezoning, and he addressed some of the Board's questions concerning the condition of the back portion of his property. He stated he is the only boat dealership on the Peninsula, and he brings a lot of people to York County. He stated he just wants to run his business, and he is willing to sell the residentially-zoned property at the back of his lot if any of the adjacent owners wish to purchase it because he can't use it. Mr. Lipscomb stated he had many boats stored on the back property at this time because he had recently acquired another boat dealership.

Ms. Diana Fraser, 849 Yorkshire Lane, Newport News, spoke on behalf of the applicant because at the present time she has a \$15,000 bass boat stored at Ned's Marine. She stated she brought it to him earlier in the year for repairs, but her husband was called out of town on a

family medical emergency, and Ned's agreed to store the boat until her husband could return for the repairs to be done. She stated Ned's came very highly recommended for boat repairs, and she and her husband have been very pleased working with him.

Mr. William S. Jensen, 117 Byrd Lane, indicated he went to speak with Mr. Lipscomb to see what his plans were. After hearing the plan, Mr. Jensen stated he recommended that the Board approve the zoning change. He stated he feels Mr. Lipscomb's proffers are commendable. Mr. Jensen stated his original concern was that the entire property was to be rezoned, but after talking with Mr. Lipscomb he understands it is just the front part.

Mr. Danny Cooper, 108 Oak Street, distributed to the Board members copies of a petition signed by 30 residents of Oak Street, Byrd Lane, and Trinity Drive, requesting the Board of Supervisors to vote against the subject application. He stated Mr. Lipscomb paints a pretty picture of what he plans to do, but the reality is that what he's doing isn't very pretty. He stated Mr. Lipscomb is going to store old boats on the back property, and it is now a boat junk yard. Mr. Cooper stated he has a big garage in his back yard, but he went through County channels and built it according to York County Code. He noted it has been a bad summer with mosquitoes, and the water standing in some of the old boats has not helped. Mr. Cooper asked the Board to deny the application.

Mrs. Rhonda Cooper, 108 Oak Street, reminded the Board that the Planning Commission recommended denial of the application. She stated if the business has outgrown the site, then Mr. Lipscomb needs to find another site. She noted that rezoning should be for the better of the community, and she feels this is not. To rezone this strip of land would cause more problems for the County as well as the six homeowners affected.

Mr. William T. Claiborne, Jr., 118 Oak Street, noted he takes pride in his property, and there are those in the neighborhood who are environmentally conscious and who know that one can't store boats on property and expect safe things to happen. He stated the gas tanks hold fuel, and he fears for what would happen should a fire break out on one of the boats. He asked the Board if it was their neighborhood, would they want this eyesore and environmental hazard in their community.

Mr. Allen Baker, 112 Oak Street, spoke to say he agreed with everyone who had spoken thus far.

Ms. Lynn Kirby, 11 Forrest Street, Poquoson, stated the boats that are stored at Ned's Marine are new, and there is nothing that could start a fire because there is no gas in them. She stated there haven't been any fires on the property; and if it were to happen now, someone would have to start it.

Ms. Mary Holmes, 116 Oak Street, also expressed her concern about the possibility of fire breaking out from the stored boats and the lack of adequate access to the property by the Fire Department. She stated to rezone this property commercial and allow someone to run a business between two residential areas is asking for trouble.

There being no one else present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mr. Shepperd addressed concerns he had with the discarded materials and stored boats on the property. He asked what is a serviceable boat as stated in the proffer.

Mr. Carter referred to pictures he had displayed for the Board members showing the property and the boats stored on it, and pointed out what he considered to be serviceable and non-serviceable. He stated it would be a boat that could be easily repaired.

Mr. Shepperd asked about the process of destroying boats in Virginia.

Mr. Carter noted that Mr. Lipscomb had stated there was a waiting period for acquisition of title in order to destroy a boat, and some of his boats are in that category waiting for title to clear. He also stated that it was not Mr. Lipscomb's intention to use the back area for those types of boats that were not serviceable. He stated Mr. Lipscomb has other property zoned commercial on which to place these types of boats.

Mr. Shepperd expressed concern about 55-gallon barrels he saw which appeared to contain oil, and he asked if there was an environmental issue involved.

Mr. Carter stated he felt it would be appropriate for the Department of Fire and Life Safety to make a visit to the site and make sure everything is in compliance with the regulations the department enforces, including the fire lane access around the existing building. He stated it was clear there were some issues that need to be followed up on regardless of what the Board does with this rezoning application.

Mr. Shepperd asked if it was known if there were any grave sites on the property.

Chairman Wiggins indicated the goat was buried on the property.

Mrs. Noll asked Mr. Carter to clarify the process of when the Code Enforcement staff find a violation and the time line within which the violator must conform.

Mr. Carter noted that first there is a verbal discussion between Code Enforcement and the violator. If this doesn't result in compliance, it is followed up with a letter giving the violator a 30-60 day correction period. Then another more serious letter with a shortened timeframe is sent. The final step is a summons to court. Mr. Carter stated that in this particular case there was one written notification which was followed by the submission of the rezoning application. When an individual takes the initiative to submit an application, the enforcement is held in abeyance until the application works through the system. Mr. Carter noted this particular case has taken longer than usual to finalize.

Mr. Burgett asked if there was any fence at the back of the grandfathered buildings, or did the two houses on Oak and Byrd that are located behind the grandfathered businesses have to look at the back of what is stored.

Mr. Carter stated he did not recall if there was a fence. He stated there would not have been a County requirement for a fence in the beginning.

Mr. Burgett stated a point the Board needs to consider is the fact that what has been proposed and proffered actually provides a more sheltered view of the businesses up front.

Chairman Wiggins asked how tall the required fence would have to be.

Mr. Carter indicated it would be a minimum of 6 feet. He stated the real benefit in terms of screening will come from mature landscaping.

October 1, 2002

Chairman Wiggins stated his concern was that the County doesn't end up with a boat junk yard. He stated he asked the applicant if he could guarantee the Board that he wouldn't keep any boat on the rezoned property for more than one year. He asked if there was any way the County could enforce the proffer so that this property won't become a boat junk yard.

Mr. Carter stated he felt the applicant was addressing this concern when he added the word "serviceable" in the new proffer. He stated if the applicant wished to add a time line in his proffer voluntarily, he could set a time limit on the time a boat stays on the property.

Chairman Wiggins stated he did not feel barrels should be stored on the rezoned property.

Mr. Carter noted some clean up work has to take place. He also indicated the conditions in the use permit go with the property; if the property is sold, the new owner is bound by the same conditions for use of the property. He stated it is possible for a boundary line adjustment to be made to implement some of the property transfers discussed tonight to extend the depth of some of the residential lots.

Mr. Zaremba asked Mr. Carter to distinguish between the application that went before the Planning Commission and what was before the Board this evening.

Mr. Carter explained it was the same application, but the Planning Commission considered a different proffer that didn't narrow it down to new or serviceable boats.

Mr. Zaremba asked how long it had been since Mr. Lipscomb had been cited for non-compliance to County regulations on his property.

Mr. Carter indicated the first communication took place in November of 2001.

Mr. Zaremba asked if Mr. Lipscomb has done anything to bring his business into compliance with the requirements of the original site plan before submitted the rezoning application.

Mr. Carter stated that, in terms of removing the boats, he has not.

Mr. Zaremba noted he had heard enough evidence tonight to show that a junkyard already exists on the property.

Mr. Barnett suggested that it be clarified that the proffer would still be valid if the Board chose to only rezone a portion of the property requested for rezoning in the application.

Mr. Carter stated the same question was asked at the Planning Commission meeting, and Mr. Lipscomb indicated he would agree to the same proffers if the scope of the rezoning was reduced.

Mr. Lipscomb expressed his agreement with Mr. Carter's statement. He stated the proffers he made would remain if the Board were to rezone less than all of the parcels listed in his application.

Mr. Carter stated if the Board chose to approve the application with the new proffer, proposed Ordinance No. 02-19 would have to be amended by changing the proffer reference date to October 1, 2002.

Mr. Zaremba moved the adoption of proposed Ordinance No. 02-19(R) that reads:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP BY
RECLASSIFYING THE REAR PORTION OF THE PROPERTY LO-
CATED AT 2113 AND 2115 GEORGE WASHINGTON MEMORIAL
HIGHWAY FROM R13 TO GB SUBJECT TO CONDITIONS

WHEREAS, Lewis N. Lipscomb, Jr., and Audrey S. Lipscomb have submitted Application No. ZM-68-02, which seeks to amend the York County Zoning Map by reclassifying from R13 (High-density single-family residential) to conditional GB (General Business) a 2.16-acre portion of 2.85 acres of property located at 2113 and 2115 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 37-7 and 37-7A; and

WHEREAS, said application has been transmitted to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends denial of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 1st day of October, 2002, that Application No. ZM-68-02 be, and it is hereby, approved to amend the York County Zoning Map by reclassifying an approximately 1.0-acre portion of 2.85 acres of property located at 2113 and 2115 George Washington Memorial Highway (Route 17), further identified as Assessor's Parcel Nos. 37-7 and 37-7A, from R13 (High-density single-family residential) to conditional GB (General Business) to a depth of 475 feet due west of the right-of-way line for George Washington Memorial Highway (Route 17) where it abuts the two referenced parcels.

BE IT FURTHER ORDAINED that the approval of this application be subject to the conditions voluntarily proffered by the property owner as set forth in the proffer statement signed by Lewis N. Lipscomb, Jr., and Audrey S. Lipscomb and dated October 1, 2002, a copy of which shall be kept on file in the Department of Environmental and Development Services, Division of Development and Compliance.

On roll call the vote was:

Yea:	(3)	Burgett, Shepperd, Wiggins
Nay:	(2)	Zaremba, Noll

APPLICATION NO. YVA-16-02, RICHARD AND ROSEMARY STACPOOLE

Mr. Carter made a presentation on Application No. YVA-16-02 requesting authorization to convert an art gallery to an antique store with living quarters in an existing building located at 121 Alexander Hamilton Boulevard, known as "On the Hill." The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R02-172.

October 1, 2002

Mr. Zaremba noted the County had at one time been involved with the organization that owned the building, and an issue that came up with the maintenance of the building. He asked if there was a requirement on the part of the owner to make major renovations to the building in order for the applicant to conduct a viable business operation.

Mr. Carter stated the applicant was willing to make some minor renovations to the bathroom and kitchen. Code Enforcement will look at the conversion of the space to residential use.

Chairman Wiggins then called to order a public hearing on Application No. YVA-16-02 which was duly advertised as required by law. Proposed Resolution R02-172 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION TO AUTHORIZE AN
ANTIQUE SHOP WITH LIVING QUARTERS WITHIN AN EXISTING
BUILDING LOCATED AT 121 ALEXANDER HAMILTON BOULEVARD
IN THE VILLAGE OF YORKTOWN

Mr. Gary Freeman, 120 Ballard Street, spoke in favor of the application. He stated the building was in a good residential character and it was good to fix up. He indicated he did not see this as competition for his antique business but as added retail density to the village and more opportunity to the visitors.

There being no one else present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mr. Zaremba moved the adoption of proposed Resolution R02-172 that reads:

A RESOLUTION TO APPROVE AN APPLICATION TO AUTHORIZE AN
ANTIQUE SHOP WITH LIVING QUARTERS WITHIN AN EXISTING
BUILDING LOCATED AT 121 ALEXANDER HAMILTON BOULEVARD
IN THE VILLAGE OF YORKTOWN

WHEREAS, Richard and Rosemary Stacpooles have submitted Application No. YVA-16-02, pursuant to Section 24.1-327(b)(4) of the York County Zoning Ordinance, to authorize the conversion of an art gallery, known as "On the Hill," to an antique store with living quarters in an existing building located at 121 Alexander Hamilton Boulevard and further identified as Assessor's Parcel No. 18-3B; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has given careful consideration to the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1st day of October, 2002, that Application No. YVA-11-02 be, and it is hereby, approved to author-

ize a change in use in Yorktown, pursuant to Section 24.1-327(b)(4) of the York County Zoning Ordinance, subject to the following conditions:

1. This application shall authorize the establishment of an antique shop with living quarters in an existing structure on property located at 121 Alexander Hamilton Boulevard and further identified as Assessor's Parcel No. 18-3B.
2. One (1) freestanding, non-illuminated sign, not exceeding six (6) square feet in area, shall be permitted to identify the use.
3. On-site parking for a minimum of two (2) vehicles shall be provided to accommodate the living quarters associated with the antique shop. Permitted surfacing materials for the driveway and the parking area shall include compacted soil/stone mixture, brown pea stone/gravel, exposed aggregate concrete, and brick pavers.
4. Outdoor storage or display of merchandise shall be expressly prohibited.
5. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins
 Nay: (0)

MATTERS PRESENTED BY THE BOARD

Mrs. Noll apprised the Board of HRSD's new program to pipe reclaimed water to Giant Industries in York County at no cost to the County. She stated they even sized the piping sufficiently for access to future businesses. She also noted she had attended a recent Clean Business Forum hosted by York County, and she commended staff for a wonderful presentation from the State Environmental Office on various programs for business to become involved in recycling. Mrs. Noll mentioned correspondence she had with a resident in Coventry who had severe medical problems and was very appreciative of the sensitivity shown by the County's Fire and Life Safety staff in helping him. She noted she was delighted about the outcome with the King William Reservoir, although it may be a few years coming. Mrs. Noll then announced she was having an information forum on the Transportation Referendum at the Senior Center on Thursday at 6:30 p.m.

Mr. Zaremba thanked the citizens of the County who voiced their opinions concerning the Yorktown waterfront revitalization projects. He stated the Board wants as much participation as it can get from the citizens, and he invited all interested parties to attend the informational meetings on the projects that will be held tomorrow night and again on Thursday night. He stated the Board would be holding a work session on October 8 at which time it would hopefully provide direction on the projects to the staff. He spoke about the need to spend money on marketing for the revitalization project, citing problems Colonial Williamsburg and the State had when it cut money on marketing. He expressed his hope that the newly introduced Tourism and Marketing Director will be able to come before the Board with a plan for marketing York County's waterfront jewel. Mr. Zaremba reminded the citizens that the Board was about

October 1, 2002

to begin the FY2004 budget process, and he discussed the anticipated reductions in State funding. He stated the Board and staff need to start looking at where the belts can be tightened to help meet the shortfalls.

Mr. Burgett addressed the Yorktown Revitalization Project, stating he had talked to many of his constituents about the future of Nick's Seafood Pavilion restaurant. He noted he explained to them that the revitalization effort was not a Board initiative but one that came out of two group focus efforts in the 1980's and 1990's made up of citizens, businessmen, and governmental entities to discuss what they wanted to see Yorktown become. It was the citizens of those groups who wanted to see a restaurant on the waterfront, and the plans before everyone today are a result of what York County citizens asked to see. Mr. Burgett then addressed the York County Youth Commission, stating each supervisor should be proud of their appointees. There is a lot of energy on the Commission, and the ideas are rolling. He stated he noticed the Exxon station at the corner of Fort Eustis Boulevard and Route 17 had closed in a very attractive manner, and he asked that the Board keep pursuing an initiative to get all businesses that are closed to shut their buildings down in an attractive manner. He also expressed his disappointment with the dead shrubbery at the new WalMart, stating he felt there was no reason for the plants to have been allowed to die. He stated the people living behind the WalMart were told there was going to be a buffer, and the owners need to keep the plants alive. He stated he would like to see the areas replanted and kept watered.

Mr. Shepperd announced that on October 30 between 7:00 p.m. and 9:00 p.m. he would be holding a town meeting for District 5 at Tabb Elementary School. He then apprised the Board members and citizens of the ride-along he had with the York County Department of Fire and Life Safety last Friday. He stated the department has quality training people, and he was amazed at the level of cooperation between the department, the Sheriff's Office, the State Police, and VDOT. Mr. Shepperd also noted that on September 29 the County hosted the Second Annual Fallen Firefighter Memorial Service.

Chairman Wiggins stated he had been invited by the Daily Press to appear in a forum on growth at the Williamsburg Library on October 9 at 7:00 p.m.

CONSENT CALENDAR

Mr. Zaremba asked that Item No. 5 be removed from the Consent Calendar.

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 4 and 6, respectively.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 4. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

September 3, 2002, Regular Meeting

September 10, 2002, Adjourned Meeting

Item No. 6. REMOVAL OF THE JAMES RIVER RESERVE FLEET: Resolution R02-177

A RESOLUTION ENCOURAGING THE UNITED STATES CONGRESS
TO APPROPRIATE FUNDS FOR THE REMOVAL OF THE ENVIRON-
MENTALLY-HAZARDOUS JAMES RIVER RESERVE FLEET

WHEREAS, The James River Reserve Fleet, commonly known as the Ghost Fleet, is moored on the James River near Fort Eustis; and

WHEREAS, the Reserve Fleet consists of 97 ships, 71 of which the United States Maritime Administration considers obsolete and has scheduled to be scrapped; and

WHEREAS, the Reserve Fleet holds 7.7 million gallons of oils and fuels according to the latest government estimates, a quantity slightly less than the quantity of oil the Exxon Valdez spilled off the shores of Alaska in 1989; and

WHEREAS, the Reserve Fleet poses a serious and increasing environmental threat to the Hampton Roads region according to a 2002 report created for the United States Maritime Administration, and a serious oil and/or gas spill from the decaying ships is no longer a mere possibility but a probability; and

WHEREAS, a large oil gas leak would heavily pollute the waters, shores, beaches, and wetlands of Newport News, and other jurisdictions approximate to the James River, causing hundreds of thousands to millions of dollars in environmental damage; and

WHEREAS, oil has leaked from the Reserve Fleet on several occasions since 1998; and while these small leaks have not left lasting environmental damage, they have cost approximately \$2 million to clean up; and

WHEREAS, the environmental risk is heightened by the threat of storm or hurricane related damage that could cause the release of toxic and hazardous materials into the water and onto the shores of Newport News, Hampton, James City County, Isle of Wight County, Suffolk, and other coastal communities in Hampton Roads and along the banks of the James River; and

WHEREAS, the United States Congress has recognized that the James River Reserve Fleet poses an ecological and economic threat to the Hampton Roads Region and has ordered the Maritime Administration to remove the fleet by 2006; the cost to remove the obsolete vessels from the Reserve Fleet, to date, has been estimated at \$177 million;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of October, 2002, that it hereby urges Congress to appropriate the necessary funds for the removal of obsolete, and environmentally-hazardous vessels from the James River Reserve Fleet, in order to protect the waters, shores, beaches, and wetlands of Newport News and the other jurisdictions approximate to the James River from ecological disaster.

Item No. 5. APPROPRIATION OF SCHOOL FUNDING: Proposed Resolution R02-176 (Removed from Consent Calendar)

Mr. Zaremba stated his concern was that the School Board will get the impression that regardless of changing economic times the Board will continue to appropriate these savings to technology. He stated he is concerned that both the School Board and the Board of Supervisors know the County is going to get hit very significantly by the State in terms of budget reductions. He stated the Board of Supervisors should wait and see what the State is going to appropriate to the County's educational program, and these funds might help make up some of the shortfall. Mr. Zaremba stated if these funds are not spent now, nothing prohibits them from being carried forward and used elsewhere.

Mr. Shepperd stated when the School Board gets its budget, sometimes they make slight adjustments to their programs. Being good stewards, sometimes they end up with an excess. He suggested if the Board is not careful, the situation will end up like the Federal Government where the School Board will spend every penny. He stated he felt the School Board has stayed as close as it can to the budget, and they wound up with extra.

Mrs. Noll agreed with Mr. Shepperd, stating what is left over is very little in terms of the entire budget. She stated it was discussed with the School Board years ago that the School Board usually has a little something left over, and it doesn't have anything for technology. The Board of Supervisors agreed that the excess would not go back into operating funds, but that the excess would be spent on technology efforts. Mrs. Noll stated she feels the School Board members have been good stewards, and it was appropriate to spend the money in this way.

Mr. McReynolds noted that he and Dr. Staples have been discussing the State funding situation, and the School Division has already been preparing to accommodate the funding reductions and look at areas to cut in this coming year's budget. He stated he and Dr. Staples will continue a dialog on this matter to insure both sides are aware and prepared appropriately.

Mrs. Noll moved the adoption of proposed Resolution R02-176 that reads:

A RESOLUTION TO APPROPRIATE \$552,500 FOR SCHOOL INSTRUCTIONAL TECHNOLOGY INITIATIVES, \$92,535 FOR TEACHER TRAINING RELATED TO THE STATE STANDARDS OF LEARNING AND \$17,674 FOR THE HAMPTON ROADS PUBLIC EDUCATION SERVICES AUTHORITY

WHEREAS, in 1996 the Board of Supervisors began the practice of appropriating the unobligated fund balance remaining at the end of the prior fiscal year for School capital projects, and it is the desire of the Board of Supervisors that this practice be continues; and

WHEREAS, at the close of Fiscal Year 2002, the School Operating Fund had an excess of revenues over expenditures and obligations which totaled \$662,709; and

WHEREAS, the School Division has requested that \$552,500 be appropriated in Fiscal Year 2002 for instructional technology initiatives, \$92,535 be appropriated for teacher training related to the State Standards of Learning, and \$17,674 be appropriated for the Hampton Roads Public Education Services Authority;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of October, 2002, that \$552,500 be, and is hereby, appropriated in the School Capital Fund for instructional technology initiatives.

BE IT FURTHER RESOLVED that \$110,209 be, and is hereby, appropriated in the School Carryover Fund for teacher training related to the State Standards of Learning (\$92,535) and for the Hampton Roads Public Education Services Authority (\$17,674).

On roll call the vote was:

Yea:	(4)	Noll, Burgett, Shepperd, Wiggins
Nay:	(1)	Zaremba

NEW BUSINESS

YORK COUNTY RETIREE HEALTH SAVINGS PLAN

Mr. McReynolds briefly explained the purpose of proposed Resolution R02-44 to adopt a retiree health savings plan.

Mr. Burgett asked if the proposed administrator of the program already administers another program from the County.

Mr. McReynolds stated they administer the County's 457 Plan.

Discussion followed on the program fees and how the program works.

Mrs. Noll moved the adoption of proposed Resolution R02-44 that reads:

A RESOLUTION TO ADOPT A RETIREE HEALTH SAVINGS PLAN

WHEREAS, the York County Board of Supervisors desires to establish a Retiree Health Savings Plan to help employees to prepare to pay health needs during retirement; and

WHEREAS, the Board of Supervisors desires that such a Retiree Health Savings Plan be administered by the ICMA Retirement Corporation and/or its affiliates; and

WHEREAS the documents necessary for a Retiree Health Savings Plan have been consolidated into a manual titled the York County Retiree Health Savings Plan Manual which includes a Medical and Dental Expense Reimbursement Plan (Welfare Benefit Plan), a Declaration of Trust, and an Adoption Agreement; and

WHEREAS, it is the desire of the Board of Supervisors to approve and implement the York County Retiree Health Savings Plan and to adopt the York County Retiree Health Savings Plan Manual;

NOW, THEREFORE, BE IT RESOLVED, by the York County Board of Supervisors this the 1st day of October, 2002, that the York County Retiree Health Savings Plan be and is hereby adopted as outlined in the County Administrator's memorandum to the Board of Supervisors dated September 19, 2002.

October 1, 2002

BE IT FURTHER RESOLVED, that the County Administrator be and is hereby authorized to retain the International City Management Association Retirement Corporation to administer and implement said retirement savings plan for York County;

BE IT STILL FURTHER RESOLVED that the assets of the York County Retiree Health Savings Plan shall be held in trust, with the County Administrator serving as trustee, for the exclusive benefit of York County Retiree Health Savings Plan participants and their beneficiaries, and the assets of the York County Retiree Health Savings Plan shall not be diverted to any other purpose.

BE IT STILL FURTHER RESOLVED, that the County Administrator or Designee be and is hereby designated as the coordinator and contact for the York County Retiree Health Savings Plan and that the County Administrator or Designee be and is hereby authorized to do all things necessary without further action by the Board to enroll all current and future eligible employees and retirees of the Board of Supervisors in said plan.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins
Nay: (0)

CLOSED MEETING. At 10:22 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(3) of the Code of Virginia pertaining to the disposition of real property; Section 2.2-3711(a)(5) pertaining to a business or industry not yet announced; and Section 2.2-3711(a)(7) pertaining to consultation with legal counsel.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins
Nay: (0)

Meeting Reconvened. At 10:52 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1st day of October, 2002, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins
Nay: (0)

Meeting Adjourned At 10:55 p.m. Mr. Zaremba moved that the meeting be adjourned to 6:00 p.m., Tuesday, October 8, 2002, in the East Room, York Hall, for the purpose of conducting a work session.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

James O. McReynolds, Clerk
York County Board of Supervisors

Donald E. Wiggins, Chairman
York County Board of Supervisors